

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN N. CASTELLANO, III)
)
Plaintiff,)
)
v.) Case No. 4:19-CV-02304-SRC
)
VERNON BETTS, et al.,)
)
Defendants.)

PLAINTIFF'S SURREPLY TO DEFENDANTS' RESPONSE TO
PLAINTIFF'S STATEMENTS OF ADDITIONAL DISPUTED FACTS

125. Only 6 of the 12 people Betts promoted to sergeant gave him a letter expressing interest in promotion before they were promoted. Exhibit 2, Interrogatory No 2.

RESPONSE: Deny that the exhibit supports the conclusion alleged. These interrogatories indicate that 7 of the 12 deputies promoted submitted letters requesting promotion.

SURREPLY: According to the letters produced by Defendants in support of its answer to Interrogatory No. 2, Walter Allen, Jr. did not submit a letter requesting consideration for promotion until April 1, 2019, 4 months **after** he was promoted to sergeant and wanted to be considered for promotion to lieutenant. See Exhibit 28 attached hereto and incorporated by reference herein.

131. Betts never had any issues or concerns with Castellano's job performance. Exhibit 3, Betts Depo. 101:12-16.

RESPONSE: Deny that the testimony cited stands for the conclusion stated. This portion of the transcript discusses the racial breakdown of the Department and where files are kept, not anything to do with Plaintiff's job performance. In further denial, see Defendants' SOF #52and 53 specifically outlining Betts' concern with Plaintiff's lack of communication skills, poor judgment and work ethic, and lack of personality fitting a supervisor. Defendants' Ex. I, 232:6 – 236:11 and 155:6 – 156:4.

SURREPLY: Betts testified that he had no issues, problems, or concerns with Castellano's job performance at Exhibit 3, 151:1-12.

133. Castellano and [REDACTED] are the only deputies in the Sheriff's Department who are POST certified to train other deputies. Exhibit 7, Haill Designee Depo. 22:9-16.

RESPONSE: Deny that the testimony cited stands for the conclusion stated. The cited portion of Designee Deposition only discusses his own performance evaluations. The terms "POST" and "certified" do not appear anywhere in Plaintiff's Exhibit 7.

SURREPLY: See Exhibit 29, Roop-Kehoe Designee Depo, 22:9-16.

Respectfully submitted,

PLEBAN & PETRUSKA LAW, LLC

By: /s/ Lynette M. Petruska
Lynette M. Petruska, Mo. Bar No. 41212
lpetruska@plebanlaw.com
J.C. Pleban, Mo. Bar No. 63166
JC@plebanlaw.com
2010 South Big Bend Blvd.
St. Louis, MO 63117
(314) 645-6666 - Telephone
(314) 645-7376 - Facsimile

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and accurate copy of the foregoing was served upon all counsel of record via the Federal Electronic Filing System on this 25th day of November, 2020.

/s/Lynette M. Petruska

Walter L. Allen, Jr.

[REDACTED]

April 1, 2019

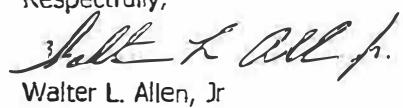
City of St. Louis
Carnahan Courthouse
1114 Market St.-Suite 112
St. Louis, Missouri 63101

To Sheriff Vernon Betts:

I am seeking interest in the Lieutenant's Sheriff position offered with the City of St. Louis. [REDACTED]

[REDACTED]

Respectfully,


Walter L. Allen, Jr.

Dawn Kehoe-Roop, Corporate Representative

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ZOOM DEPOSITION OF CORPORATE REPRESENTATIVE DAWN
KEHOE-ROOP

Taken on behalf of Plaintiff

October 2nd, 2020

Jo Ann Sturm, RPR, CSR, CCR
REGISTERED PROFESSIONAL REPORTER
ILLINOIS CSR NUMBER: 084-002267
MISSOURI CCR NUMBER: 716

STURM REPORTING SERVICES, INC.
2144 Gray Avenue
St. Louis, Missouri 63117
(314) 780-2816

Sturm Reporting Services, Inc.
314.780.2816

Exhibit 29

Dawn Kehoe-Roop, Corporate Representative

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1 employee training since Sheriff Betts took office?

2 A If he taught in 2017, that was probably the
3 last class that he taught, but without looking, I
4 don't know. I mean, that was probably the last.

5 Q Do you know why it would have been the last
6 time he taught deputy training for new hires?

7 A I couldn't speak to that. I don't know.

8 Q Fair enough. And I just want to -- in terms
9 of POST certification for training, the only -- I want
10 to make sure I understood this right. The only two
11 people on the department right now that are POST
12 certified training are you and John; is that correct?

13 A Yes, we're the only two POST certified
14 instructors. We have a POST certified deputy
15 employed, but we are the only ones who took that class
16 for training.

17 Q Correct. It's my understanding that it
18 takes additional training or different training to be
19 POST certified as a trainer as opposed to a law
20 enforcement officer; is that correct?

21 A That's correct.

22 Q And when you say you're a POST certified
23 trainer, are there certain topics that you're POST
24 certified to train in or because you have POST
25 certification? I think I've seen something before